while here the tax is upon the franchise and valid, within the decision in *Paul* v. *Virginia*, 8 Wall. 168, and *Horn Silver Min. Co.* v. *New York*, 143 U. S. 305. From this decision Houlan, J. (Brown, J., concurring), vigorously dissents, maintaining that whatever was the "object" of those who passed the statute, its effect was to place a burden on interstate commerce, and cannot be sustained simply because the statute applies alike to the people of all states, including New York. *Minn.* v. *Barber*, supra, and *Robbins* v. *Taxing Distr.*, supra. The case of *Horn Silver Min. Co.* v. *New York*, supra, did not present the precise point here involved as to the authority of the state to tax the manufactures of another state, solely because not products of the taxing state. By this statute New York practically seeks to compel manufacturing concerns of other states to remove their plant to New York or else submit to a taxation, at the discretion of the authorities, which is not imposed on such concerns wholly domestic.

RECENT CASES.

CARRIERS—CONTRACT OF CARRIAGE—BAGGAGE—PACKAGES IN CAR—RUNYAN V. CENTRAL R. C. OF N. J., 41 Atl. (N. J.) 367.—Plaintiff bought a ticket from New York to Elizabeth, N. J., on which was printed the following: "Free transportation allowed for 150 lbs. baggage (wearing apparel only) and Co.'s liability expressly limited to $1 per lb." With this ticket the plaintiff tried to enter a car, but was prevented because he had with him two packages, the contents of which he would not disclose to the railway attendant. On his trial, the plaintiff attempted to introduce evidence that the railway had for a long time acquiesced in, and made accommodation for the carriage of small packages of merchandise of its passengers. This was *held* (four judges dissenting) to be competent evidence, and its refusal was error.

CONSTITUTIONAL LAW—DUE PROCESS OF LAW—DISCRIMINATION—MUNICIPAL CORPORATIONS—PLEASURE DRIVEWAYS—EXCLUSION OF TRAFFIC—ORDINANCES—CICERO LUMBER CO. V. TOWN OF CICERO ET AL., 51 N. E. (Ill.) 758.—The legislative power to authorize a municipality to vacate any of its streets includes the the power to authorize it to limit the use of certain of them to a particular purpose beneficial to the public. Laws, 1889, p. 83, by which the trustees of an incorporated town were empowered to lay out not more than two streets as public driveways for pleasure driving only, on petition of a designated number of the owners of property fronting thereon, and to exclude all other traffic, is not unconstitutional, as depriving an owner thereon of property without due process of law (Const., Art. 2, §2); nor is it class legislation and unjust discrimination, since any citizen may use the road for pleasure only; nor is it a violation of trust imposed on municipal authorities in respect to highways. But an ordinance passed by a municipality under this act, forbidding the use of two streets laid out for a pleasure driveway by traffic vehicles unless special permission of the board of trustees of the town has been obtained, is unreasonable and invalid, since it leaves to unregulated official discretion a matter which should be regulated by permanent local provisions operating generally and impartially.

CONSTITUTIONAL LAW—POLICE POWER—INTERSTATE COMMERCE—DISPENSARY LAW—CONTRABAND LIQUORS—STATE V. HOLLEYMAN ET AL., 31 S. E. (S. C.) 362.

—The Dispensary Act of March 6, 1896, Sec. 37, providing that "any person handling contraband liquors in the night time or delivering the same shall be guilty of a misdemeanor," *held*, by a divided court, (McIver C. J., and Gary, A. J., dissenting) to be a valid exercise of the police power of the state, and not violative of the interstate commerce clause (Art. 1, §8) of the Federal Constitution. Also, intoxicating liquor purchased outside the state by a party and by him carried across the state line for his own use is "contraband" after its arrival in the state, unless the regulations of the dispensary law of 1895 have been complied with. The court considered that the U. S. Supreme Court in *Scott* v. *Donald*, 165, U. S. 68, meant to declare the dispensary act of 1895 invalid only in so far as the state thereby attempted to interdict the delivery by a common carrier of any alcoholic liquors from without the state to a consignee within the state for his own use; and that by "arrival," as used in the "Wilson Bill" (Act of Aug. 8, 1890), was meant the arrival of such liquors into the hands of the consignee within the state. *Vance* v. *W. A. Vandercook*, 170 U. S. 438; *Rhodes* v. *Iowa*, 170 U. S. 412.

CORPORATIONS—CONSTRUCTION OF CHARTER—SOUTH & N. A. R. R. Co. v. HIGHLAND AVE. & R. R. Co., 24 S. 114 (Ala.).—A power to "build, own and operate street railroads," does not convey by implication the power to construct a freight railroad around a city to transfer freight cars. Street railroad means a railway passenger carrier whose road lies along and upon the streets of a city, town or village.

CRIMINAL LAW—EVIDENCE—CURTIS v. STATE, 24 S. 111 (Ala.).—On trial for forgery of a mortgage a witness was allowed to testify that he had refused defendant advances without further security, that defendant had said he had other security mortgages and the like, and that shortly after the mortgage in question was given witness by the defendant and advances made. *Held* admissible, two justices taking the ground that it was admissible to show motive, two deciding that it was admissible to show the course of business between witness and defendant. Brickell, C. J., dissents on the ground that the testimony is immaterial and irrelevant.

CRIMINAL LAW—INDICTMENT—DATE OF OFFENSE—CONRAD v. STATE, 47 S. W. 628 (Ark.).—An indictment found July 14, 1896, charged that the accused did commit an offense May 15, 1898. The statutes provided that the indictment must contain "a statement of the acts constituting the offense in ordinary and concise language and in such a manner as to enable a person of common understanding to know what was intended," and that "the statement of the indictment as to the time at which the offense was committed is not material further than as a statement that it was committed before the time of the finding of the indictment." *Held*, Riddick, J., dissenting, that the indictment was good.

CRIMINAL LAW—LARCENY—FALSE PRETENSES—PROCURING MONEY FOR SPECIAL PURPOSE—INTENT TO APPROPRIATE—PEOPLE v. SUMNER, 53 N. Y. Sup. 817.—In negotiating a sale of land for his principals, defendant broker falsely represented to the complainant that he had an arrangement by which it could be transferred to another person at a large profit. Upon the payment of a small amount of the purchase price, defendant assured the complainant that upon the further immediate payment of $1,000 the purchase price would be reduced one-third. The $1,000 was accordingly delivered to the defendant under an agreement that it should not be paid to anybody until the title was examined.